

JAMES DAL BON
C- BAR #157942
LAW OFFICES OF JAMES DAL BON
28 NORTH 1ST STREET SUITE 210
SAN JOSE, CA 95113

(408)297-4729

ATTORNEY FOR PLAINTIFF

ADR

E-FILING

FILED

JUL 25 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

RAMIRO RUIZ

Plaintiff,

vs.

RONALD J AY HAAS, R J HAAS

CONSTRUCTION CORP., R.J. HAAS CORP

I, R.J.HAAS CORP II, R.J.HAAS CORP III,

VALLEY CORP B, INTERNATIONAL

BUSINESS AND MERCANTILE

REASSURANCE COMPANY, SURETY

COMPANY OF THE PACIFIC

Defendants

CASE 08 03612

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL:

- 1) Violation of California Labor Code Section 510;
- 2) Violations of the Federal Fair Labor Standards Act;
- 3) Violation of California Business and Professions Code Section 17200;
- 4) Violation of California Labor Code Section 201;
- 5) Violation of California Labor Code Section 226.

RS

NATURE OF CLAIM

1. This is an action on behalf of Ramiro Ruiz who has been employed on an hourly basis by Ronald Jay Haas, R J Haas Construction Corp., R.J. Haas Corp I , R.J.Haas Corp II,

1 R.J.Haas Corp III, Valley Corp B bonded for the purpose of wages by International
2 Business And Mercantile Reassurance Company, Surety Company Of The Pacific
3 during the last four years prior to the filing of this Complaint, seeking damages arising
4 from employer's failure to pay overtime as required by the Fair Labor Standards Act
5 and the California Wage Orders and statutes.

- 6 2. Plaintiffs seek compensatory damages for unpaid wages under California Labor Code
7 and Wage Orders, liquidated damages under 29 U.S.C. §216(b), waiting time penalties
8 under California Labor Code § 203, damages for inadequate pay statements under
9 California Labor Code Section 226, and attorney's fees, costs, pre judgment interest
10 pursuant to California Labor Code § 1194(a) and 29 U.S.C. § 216(b), and restitution
11 under California Unfair Trade Practices Act under California Business and Professions
12 Code § 17203.

13 SUBJECT MATTER JURISDICTION AND VENUE

- 14
15 3. This Court is a proper venue, since all events giving rise to this lawsuit have occurred
16 in this district.
17 4. Subject matter jurisdiction of this action of this Court is based upon Fair Labor
18 Standards Act, 29 U.S.C. §§201 et. seq. and the pendant jurisdiction of this Court.

19 GENERAL ALLEGATIONS

- 20 5. At all times relevant herein Plaintiff Ramiro Ruiz was a resident of Santa Clara County,
21 California.
22 6. At all times relevant herein, Defendants Ronald Jay Haas, R J Haas Construction Corp.,
23 R.J. Haas Corp I, R.J.Haas Corp II, and R.J.Haas Corp III., and Valley Corp B
24 employed Plaintiff as a laborer working on construction projects throughout the Bay
25 Area.

- 1 7. At all times mentioned Defendant International Business And Mercantile Reassurance
2 Company, bonded Defendants R J Haas Construction Corp., R.J. Haas Corp I,
3 R.J.Haas Corp II, and R.J.Haas Corp III., and Valley Corp B for payment of wages.
- 4 8. At all times mentioned Defendant Surety Company Of The Pacific bonded Defendants
5 Ronald Jay Haas for payment of wages
- 6 9. At all times relevant herein Defendants Ronald Jay Haas, R J Haas Construction Corp.,
7 R.J. Haas Corp I, R.J.Haas Corp II, and R.J.Haas Corp III., and Valley Corp B
8 conducted business in Santa Clara County, California.
- 9 10. Individual Defendant Ronald Jay Haas was, according to information and belief, the
10 officer, owner, or employee of Defendants R J Haas Construction Corp., R.J. Haas
11 Corp I, R.J.Haas Corp II, and R.J.Haas Corp III., and Valley Corp B having control
12 over the Plaintiff's work condition and work situation.
- 13 11. Defendants Ronald Jay Haas, R J Haas Construction Corp., R.J. Haas Corp I , R.J.Haas
14 Corp II, R.J.Haas Corp III, Valley Corp B bonded for the purpose of wages by
15 International Business And Mercantile Reassurance Company, Surety Company Of The
16 Pacific shall be hereinafter collectively known as "Defendants".
- 17 12. Plaintiff Ramiro RUIZ shall hereinafter be known as "Plaintiff".
- 18 13. Plaintiff was according to information and belief, an employee of Defendants acting in
19 the normal course and scope of employment duties with Defendants as a laborer.
- 20 14. During the course of Plaintiff's employment with Defendants, Plaintiffs regularly
21 worked more than 8 hours per day and 40 hours per week, hours for which Plaintiffs
22 were not properly compensated.
- 23 15. Defendants paid Plaintiff for his labor by cash.
- 24 16. Defendants did not issue a paystub with deductions to Plaintiff.
- 25

1 17. Plaintiffs did not perform "exempt" duties in his position as a laborer with Defendants
2 and thus was not subject to any exemption under the Fair Labor Standards Act, 29 CFR
3 541.112, 541.209 and 541.209. The Plaintiff was not even marginally responsible for
4 management or administrative functions, and their primary job duties did not require
5 the exercise of independent discretion and judgment or regularly require invention or
6 imagination in a recognized field of artistic endeavor more than fifty percent of her
7 working time.

8 18. At no time during the Plaintiffs' employment did Plaintiffs maintain any professional
9 license with the state or practice any recognized profession, nor did Plaintiffs
10 exclusively manage any division of Defendants business where he customarily and
11 regularly exercised discretionary powers or perform services of management. Plaintiff
12 did not directly supervise any employees nor did he participate in the development of
13 general administrative policies of Defendants.

14 COUNT ONE: VIOLATION OF CA LABOR CODE SECTION §510

15 FAILURE TO PROPERLY PAY OVERTIME WAGES

16 19. Plaintiff re-alleges and incorporates paragraphs 1-18 as if fully stated herein.

17 20. At all times relevant herein, California Labor Code Section 501, which applies to
18 Plaintiff's employment by defendants, provided that all employees are entitled to
19 payment at the rate of time and one half for hours in excess of 8 in one day, or 40 hours
20 in one week, and double time for hours in excess of 12 in one day.

21 21. Labor Code Section 1194 provides that it is unlawful for employers not to make the
22 required overtime payments identified in the preceding paragraph and that employees
23 not paid such payments can recover any monies owed by civil action.

24 22. Defendants therefore owe Plaintiff lost wages and penalties in an amount subject to
25 proof.

1 23. Defendants have failed and refused and continue to fail and refuse to pay Plaintiff the
2 amount owed.

3 24. Defendants' failure to pay Plaintiff the required sum violates the provisions of Labor
4 Code Sections 510 and 1194 and is therefore unlawful.

5 25. Pursuant to Labor Code Section 1194(a), Plaintiff requests that the court award
6 Plaintiffs reasonable attorney's fees and costs incurred by him/her in this action.

7 COUNT TWO: VIOLATION OF THE FAIR LABOR STANDARDS ACT
8 FAILURE TO PROPERLY PAY OVERTIME WAGES

9 26. Plaintiff re-alleges and incorporates paragraphs 1-25 as if fully stated herein.

10 27. At all relevant times herein, Plaintiff's employment was subject to the provisions of the
11 Fair Labor Standards Act of 1938, as amended ("FLSA"), 29 U.S.C. § 201, et seq. and
12 Plaintiffs were an individual employee covered by virtue of Plaintiff's direct
13 engagement in interstate commerce.

14 28. The FLSA, 29 U.S.C. § 207 requires all employees to be paid overtime for work
15 performed in excess of forty hours per week, unless specifically exempted by the law.

16 29. Although Plaintiffs were not so exempt during employment with Defendants,
17 Defendants knowingly caused and permitted Plaintiffs to regularly work in excess of
18 forty hours per week without paying Plaintiffs one and one half of Plaintiff's regular
19 rate of pay.

20 30. By not paying overtime wages in compliance with the FLSA, defendants violated
21 Plaintiff's rights under the FLSA.

22 31. Defendants therefore owe Plaintiffs lost wages and penalties in an amount subject to
23 proof.
24
25

1 32. Therefore, as a direct and proximate result of defendants' failure to pay proper wages
2 under the FLSA, Plaintiffs incurred general damages in the form of lost overtime
3 wages.

4 33. Defendants intentionally, with reckless disregard for their responsibilities under the
5 FLSA, and without good cause, failed to pay Plaintiff's proper wages, and thus
6 defendants are liable to Plaintiffs for liquidated damages in an amount equal to lost
7 overtime wages, pursuant to 29 U.S.C. § 216(b) of the FLSA.

8 34. Plaintiff was required to retain legal assistance in order to bring this action and, as such,
9 is entitled to an award of reasonable attorney's fees pursuant to 29 U.S.C. § 216(b) of
10 the FLSA.

11 COUNT THREE: VIOLATION OF CA LABOR CODE SECTION 201

12 FAILURE TO PAY WAGES DUE AND "WAITING TIME" PENALTIES

13 35. Plaintiff re-alleges and incorporates the allegations of paragraphs 1-34 as if fully stated
14 herein.

15 36. At the time Plaintiff's employment with Defendant was terminated, Defendants' owed
16 Plaintiff certain unpaid overtime wages.

17 37. Failure to pay wages owed at the time of an employee's termination as required by
18 Labor Code §201 subjects the employer the payment of a penalty equaling up to 30
19 days wages, as provided for in Labor Code § 203.

20 38. As of this date, Defendants have failed and refused, and continue to fail and refuse, to
21 pay the amount due, thus making defendants liable to Plaintiff for penalties equal to
22 thirty (30) days wages.

23 39. Defendants therefore owe Plaintiff lost wages and penalties in an amount subject to
24 proof.
25

1 40. Pursuant to Labor Code Section 218.5, Plaintiff requests that the court award Plaintiff's
2 reasonable attorney's fees and costs incurred in this action.

3 41. Pursuant to Labor Code Section 218.6, Plaintiff requests that the court award interest
4 on all due and unpaid wages, at the legal rate specified by Civil Code Section 3289(b),
5 accruing from the date the wages were due and payable.

6 COUNT FOUR: VIOLATION OF CA BUSINESS AND PROFESSIONS CODE SECTION
7 17200 UNFAIR BUSINESS PRACTICES

8 42. Plaintiff re-alleges and incorporates the allegations of paragraphs 1-41 as if fully stated
9 herein.

10 43. At all times relevant herein, Plaintiff's employment with Defendants was subject to the
11 California Labor Code and applicable Wage Orders promulgated by the California
12 Industrial Welfare Commission, which required all employees to be paid overtime for
13 work performed in excess of forty hours per week or eight hours per day, unless
14 specifically exempted by the law.

15 44. At all times relevant herein, as the employer of Plaintiffs, defendants were subject to
16 the California Unfair Trade Practices Act (California Business and Professions Code §
17 §17000 et seq.), but failed to pay the Plaintiffs overtime pay as required by applicable
18 California Labor Code and applicable Wage Orders.

19 45. During the period Plaintiff was employed with the Defendant, Defendants failed to pay
20 Plaintiffs legally required overtime pay to which he was legally entitled, with
21 defendants keeping to themselves the amount which should have been paid to Plaintiff.

22 46. In doing so, defendants violated California Unfair Trade Practices Act, Business and
23 Professions Code §17200, et seq. by committing acts prohibited by applicable
24 California Labor Code provisions, California Wage Orders, and the FLSA, thus giving
25

1 them a competitive advantage over other employers and businesses with whom
2 defendants were in competition and who were in compliance with the law.

3 47. As a direct and proximate result of defendants' violations and failure to pay the
4 required overtime pay, the Plaintiff's rights under the law were violated and the
5 Plaintiff incurred general damages in an amount subject to proof.

6 48. Defendants had been aware of the existence and requirements of the Unfair Trade
7 Practices Act and the requirements of state and federal wage and hours laws, but
8 willfully, knowingly, and intentionally failed to pay Plaintiff overtime pay due.

9 49. Plaintiff, having been illegally deprived of the overtime pay to which he were legally
10 entitled, herein seeks restitution of such wages pursuant to the Business and Professions
11 Code §17203 in an amount subject to proof.

12 COUNT FIVE: VIOLATION OF CALIFORNIA LABOR CODE SECTION 226

13 INADEQUATE PAY STATEMENTS

14 50. Plaintiffs re-allege and incorporate the allegations of paragraphs 1-49 as if fully stated
15 herein.

16 51. California Labor Code Section 226 provides that all employers shall provide to
17 employees accurate and complete wage statements including, but not to limited to, an
18 accurate and current statement of all rates paid for all regular and overtime hours
19 worked during the pay-period, a complete and itemized statement of deductions, net
20 wages earned, the dates for which payment is being made, any and all applicable piece
21 rates, and the current address ad name of the employer.

22 52. California Labor Code Section 226 further provides that any employee suffering injury
23 due to a willful violation of the aforementioned obligations may collect the greater of
24 either actual damages or \$50 for the first inadequate pay statement and \$100 for each
25 inadequate statement thereafter.

1 53. During the course of Plaintiffs' employment, defendants consistently failed to provide
2 Plaintiffs with adequate pay statements as required by California Labor Code §226.

3 54. Defendants failed to provide such adequate statements willingly and with full
4 knowledge of their obligations under Section 226.

5 55. Defendants deliberately and willfully deducted 5% from the plaintiff's hourly piece rate
6 without accounting for the deduction on the plaintiff's pay stub.

7 56. Defendants' failure to provide such adequate statements has caused injury to the
8 Plaintiffs.

9 57. Plaintiffs are therefore legally entitled to recover the 5% reduction in their hourly piece
10 rate in an amount subject to proof

11 58. Plaintiffs have incurred costs and fees in bringing this action and seek to recover such
12 costs under California Labor Code §226.

13
14 PRAYER FOR RELIEF

15 WHEREFORE, Plaintiffs pray for the following relief:

16 59. For compensatory damages in an amount subject to proof

17 60. For liquidated damages per the FLSA equal to unpaid overtime wages in an amount
18 subject to proof

19 61. For restitution of unpaid overtime pay pursuant to California Business and Professions
20 Code §17203 in an amount subject to proof

21 62. For pre-judgment interest of 10% on the unpaid overtime compensation and unpaid
22 salaries pursuant to California Labor Code §1194(a) in an amount subject to proof;

23 63. For waiting time penalty damages of thirty days wages to Plaintiffs pursuant to
24 California Labor Code § 203 in an amount subject to proof
25

- 1 64. For actual damages in an amount subject to proof for inadequate pay statements
- 2 pursuant to California Labor Code Section 226;
- 3 65. For reasonable attorney's fees pursuant to California Labor Code §1194(a) and 29
- 4 U.S.C. §216(b) of the FLSA;
- 5 66. For costs of suit herein; and
- 6 67. For such other and further relief as the Court may deem appropriate.
- 7

8 July 25, 2008

9
10
11 s/jdb
12 LAW OFFICES OF JAMES DAL
13 BON
14
15
16
17
18
19
20
21
22
23
24
25

JS 44 - No. CALIF (Rev. 4/87)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

I.(a) PLAINTIFFS

RAMIRO RUIZ

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Law Offices of James Dal Bon
28 North 1st Street Suite 210, San Francisco, CA 94113

DEFENDANTS

RONALD J AY HAAS, R J HAAS
CONSTRUCTION CORP., R.J. HAAS CORP I,
R.J.HAAS CORP II, R.J.HAAS CORP III, VALLEY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

C08 03612

RS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For diversity cases only)
- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl.Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 980 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) 29 U.S.C. 209, et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ 75,000.00

☐ CHECK YES only if demanded in complaint:

UNDER F.R.C.P. 23

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE A "X" IN ONE BOX ONLY) ☐ SAN FRANCISCO/OAKLAND ☒ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

7/25/08